

**BEFORE**  
**THE PUBLIC SERVICE COMMISSION**  
**OF SOUTH CAROLINA**  
**DOCKET NO. 2018-321-E**  
**DOCKET NO. 2018-322-E**

In Re:

Application of Duke Energy Carolinas,	)	
LLC for Approval of Proposed Electric	)	
Transportation Pilot and An Accounting	)	
Order to Defer Capital and Operating	)	JOINT APPLICATION TO MODIFY
Expenses	)	DC FAST CHARGING STATION PROGRAM
	)	
Application of Duke Energy Progress,	)	
LLC for Approval of Proposed Electric	)	
Transportation Pilot and An Accounting	)	
Order to Defer Capital and Operating	)	
Expenses	)	
	)	

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Pursuant to S.C. Code Ann. Regs. 103-823, Duke Energy Carolinas, LLC (“DEC”) and Duke Energy Progress, LLC (“DEP,” together with DEC, the “Companies”) and ChargePoint, Inc. (“ChargePoint”), apply to the Public Service Commission of South Carolina (the “Commission”) for modification of the Direct Current (“DC”) Fast Charging Station Program of the Electric Transportation (“ET”) Pilots approved in Order Nos. 2020-645 and 2020-646 issued in the above-referenced dockets.

1. The names and addresses of the Applicants are:

Duke Energy Carolinas, LLC  
550 South Church Street, DEC22A  
Charlotte, North Carolina 28202

Duke Energy Progress, LLC  
 410 S. Wilmington Street  
 Raleigh, North Carolina 27601-1849

ChargePoint, Inc.  
 254 E. Hacienda Ave.  
 Campbell, CA 95008

2. The names, titles, addresses, e-mail addresses, and telephone numbers of the persons to whom correspondence or communications relative to the application is to be addressed are as follows:

Counsel for the Companies:

Samuel J. Wellborn, Esquire  
 Duke Energy Progress, LLC and  
 Duke Energy Carolinas, LLC  
 1201 Main Street, Suite 1180  
 Columbia, South Carolina 29201  
 Telephone: (803) 929-1400  
 Email: sam.wellborn@duke-energy.com

Counsel for ChargePoint:

Weston Adams, III, Esquire  
 Nelson Mullins Riley & Scarborough LLP  
 1320 Main Street, 17<sup>th</sup> Floor  
 Columbia, South Carolina 29201  
 Telephone: (803) 799-2000  
 Email: Weston.adams@nelsonmullins.com

3. On October 15, 2020, the Commission approved the DC Fast Charging Station Program, as well as stipulations entered into between the Companies and the South Carolina Office of Regulatory Staff and between the Companies and ChargePoint. The stipulation entered into between the Companies and ChargePoint—filed with the Commission in the above-referenced dockets on September 10, 2020—provided that the stipulation “may be revisited through additional

filings with the Commission should a change in law or regulation occur relative to electric transportation.”

4. On May 17, 2021, Governor McMaster signed Act 46 into law, which added S.C. Code Ann. § 58-27-1060 and provides that a person or corporation using an electric vehicle (“EV”) charging station to resell electricity to the public shall not be considered an electric utility, subject to certain conditions enumerated in the Act.<sup>1</sup>

5. Under the approved DC Fast Charging Station Program tariffs, site hosts (i.e., the entities on whose sites the DC Fast Charging stations are located) have the option of creating alternative pricing mechanisms to the Companies’ established Fast Charge Fee; this alternative pricing may not exceed the Fast Charge Fee by more than twenty percent. Under the approved DC Fast Charging Station Program, all revenues resulting from the program, including those resulting from site hosts’ alternative pricing mechanisms that result in net revenues above the Fast Charge Fee, are remitted to the Companies. Likewise, were a site host’s alternative pricing mechanism to result in net revenues below those that would have resulted from the Fast Charge Fee, the site host is billed for the shortfall.

6. In order to recognize the statutory provision for resale of electricity at EV charging stations in Act 46, the Companies and ChargePoint propose to permit site hosts participating in the ET Pilots to retain revenues in excess of the Fast Charge Fee at charging stations (i.e., any net revenues for a given time period in excess of the Fast Charge Fee); the twenty percent limit on the alternative pricing mechanisms exceeding the Fast Charge Fee would remain in place. For the duration of the pilot program, the Companies will continue to bill site hosts for any shortfall where

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<sup>1</sup> See S. 304 (2021) Section 1, *available at* [https://www.scstatehouse.gov/sess124\\_2021-2022/bills/304.htm](https://www.scstatehouse.gov/sess124_2021-2022/bills/304.htm).

a site host's alternative pricing mechanism results in net revenues below those that would have resulted from the Fast Charge Fee. Should the Commission approve this request, the Companies would exclude revenues above the Fast Charge Fee, on a going-forward basis, from their accounting of the revenues associated with the ET Pilots. The proposed revised tariffs associated with this request are attached hereto for DEC and DEP as Attachments A and B, respectively.

Respectfully requested, this 11<sup>th</sup> day of November 2021.




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Samuel J. Wellborn, Associate General Counsel  
 Duke Energy Progress, LLC and  
 Duke Energy Carolinas, LLC  
 1201 Main Street, Suite 1180  
 Columbia, SC 29201  
 Telephone: (803) 929-1400  
 sam.wellborn@duke-energy.com

*Attorney for Duke Energy Progress, LLC and  
 Duke Energy Carolinas, LLC*

Weston Adams, III, Esquire  
 Nelson Mullins Riley & Scarborough LLP  
 1320 main Street, 17<sup>th</sup> Floor  
 Columbia, South Carolina 29201  
 Telephone: (803) 799-2000  
 Weston.adams@nelsonmullins.com

*Attorney for ChargePoint, Inc.*

Duke Energy Carolinas, LLC

Electricity No. 4

South Carolina ~~Original~~First Revised Leaf No. 263  
Superseding South Carolina Original Leaf No. 263

## DC FAST CHARGING STATION PROGRAM (SC PILOT)

PURPOSE

The purpose of this pilot program is to allow the Company to install, own and operate a foundational network of up to forty (40) Direct Current Fast Charge (DCFC) Electric Vehicle Charging Stations for a period not to exceed thirty-six (36) months. Each location shall include a minimum of two (2) DCFC Electric Vehicle Supply Equipment (EVSE) capable of charging plug-in electric vehicles intended for use on public streets and highways. At the end of the 36-month pilot, Company may seek regulatory approval to continue to own and operate the stations or to sell the stations with any proceeds being credited to program costs.

AVAILABILITY

Station locations will be dispersed at key highway corridor locations throughout Company's service territory to enable intra- and inter-state electric vehicle travel. Charging services will be available to all electric vehicle owners without preference to Company's electric service customers.

CHARGING STATION EQUIPMENT

DC Fast Charging Stations are defined as charging equipment which dispense Direct Current with electrical demand requirements of 50 kW or greater. EVSE will include revenue-grade metrology with Wi-Fi, cellular, or other communications to a central server along with load management/curtailment capabilities. Company may adjust charging capacity to assess load characteristics and grid impacts of electric vehicle charging.

CHARGING SERVICES

Payment shall be made by Smart Phone App, Radio-frequency identification (RFID) Card or by Credit Card swipe at the site. The Company will establish a "Fast Charge Fee" based on the approximate statewide average price per kilowatt-hour for fast charging services. Site hosts have the option of creating alternative pricing mechanisms, which may not exceed the Fast Charge Fee by more than twenty percent (20%). Any revenues above the Fast Charge Fee may be retained by the site host.

GENERAL

In addition to the usage recording capabilities of the charging station equipment, Company shall have the right to install at its own expense additional metering and load research devices as it deems appropriate to collect the usage characteristics of the electric vehicle charging station equipment.

REGULATORY AUTHORITY

Services rendered under this Agreement are subject to the authority of the South Carolina Public Service Commission and any changes or other modifications lawfully made thereto.

Duke Energy Progress, LLC  
(South Carolina Only)

SC Program FCS-~~23~~  
Supersedes Program FCS-2

DC FAST CHARGING STATION  
PROGRAM FCS-~~23~~ (SC PILOT)

PURPOSE

The purpose of this pilot program is to allow the Company to install, own and operate a foundational network of up to twenty (20) Direct Current Fast Charge (DCFC) Electric Vehicle Charging Stations for a period not to exceed thirty-six (36) months. Each location shall include a minimum of two (2) DCFC Electric Vehicle Supply Equipment (EVSE) capable of charging plug-in electric vehicles intended for use on public streets and highways. At the end of the 36-month pilot, Company may seek regulatory approval to continue to own and operate the stations or to sell the stations with any proceeds being credited to program costs.

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